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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

GE.00-10727 (E)

The question of violations of the human rights of Lebanese civilians perpetrated by Israel in Lebanon

1. After Israel's invasion of Lebanon in March 1978, the United Nations Security Council passed resolution 425 (1978) calling on Israel to "immediately cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory". Today, some 22 years since the passing of that resolution, Israel, in defiance of international laws and in defiance of repeated international condemnation of its actions, continues illegally to occupy approximately 10 per cent of Lebanese territory, comprising hundreds of towns and villages in the south of Lebanon. Israel also maintains a contingent of approximately 2,000 Israeli army regulars and 1,500 Israeli-supported militia in south Lebanon.

2. Israel continues to commit large-scale human rights abuses against the civilian population of Lebanon. On a near daily basis, it conducts air strikes on Lebanese villages and cities, sometimes sending hundreds of thousands of Lebanese civilians into flight from their homes. The Israeli Defence Force (IDF) conducts military offensives in areas of Lebanon well beyond the zone it occupies. Israeli intelligence agents carry out targeted assassinations of Israel's perceived opponents throughout Lebanon. Israel maintains a prison in Khiam, Lebanon, which it has used for the indefinite imprisonment and torture of Lebanese political prisoners since 1985, and for which it has come under escalating international condemnation because of the gross violations of the human rights of the detainees held there, many of whom have died as a result of torture while in custody.

3. The United Nations forces in Lebanon have not only borne witness to Israel's atrocities against Lebanese civilians, but they have also been the direct target of Israeli attacks, especially where they attempted to protect or rescue civilians. One specific incident in point is the massacre at Qana, Lebanon, on 18 April 1996. Shortly after 2.00 p.m. local time that day, the IDF began an artillery bombardment of the headquarters compound of the Fijian battalion of the United Nations Interim Force in Lebanon (UNIFIL) in Qana. At the time, approximately 800 Lebanese civilians were being sheltered inside the compound. Over 100 civilians were killed and scores more, along with UNIFIL troops, were injured. The IDF artillery unit that fired on the UNIFIL base was positioned inside of Lebanon.

4. Israel denied that it intended to kill civilians when it shelled the UNIFIL compound in Qana. However, an investigation of the incident conducted by Major-General Franklin van Kappen, Military Adviser to the former Secretary-General of the United Nations, Boutros Boutros Ghali, found that it was "unlikely that the shelling was the result of gross technical or procedural error". The critical facts that led General van Kappen to this conclusion were: (1) the pattern and distribution of impacts, which showed the majority of shells falling on or in the immediate vicinity of the buildings in the compound; (2) the perceptible shift in the weight of fire from an initial barrage that fell on the mortar site to a second barrage that fell on the United Nations compound; and (3) that there were two Israeli helicopters and a remotely piloted vehicle (drone) flying above the Qana area at the time of shelling.

5. Approximately two thirds of the shells used were proximity-fuse which explode above the target, spreading huge sheets of shrapnel. Because of the type of ordnance employed, many of the civilians sheltering inside the compound were torn to pieces, some were decapitated and burnt beyond recognition. Fifty-two of the dead were Lebanese children.

6. Evidence that the attack was deliberate is abundant. The Director of Israeli Artillery, Brigadier General Dan Harel, confirmed in an interview on CNN on 7 May 1996 that the Israeli Defence Forces had been informed by UNIFIL only two days prior to the incident that there were some 5,000 to 9,000 refugees sheltering in UNIFIL bases in the area. UNIFIL spokesperson Timor Goksel told the press that he had informed the IDF that civilians were sheltering in UNIFIL bases. Major General Moshe Ya'alon, the head of IDF intelligence, also confirmed that Israel was fully aware that civilians were sheltering on the base.

7. Israel adamantly denied that it had a drone or surveillance aircraft over Qana until The Independent, a British newspaper, reported that a videotape had been made by a United Nations soldier at a base nearby depicting a drone over Qana during the shelling. Drones are typically used to guide gunners in firing at objectives that they cannot otherwise see. Thereafter, Israel admitted to the presence of a drone, but claimed it was on "another mission". Israel then released only 4 minutes of the 50 minutes of videotape that it possesses taken by its drone. The release of that footage indicates that the drone was successfully transmitting images of the scene. The fact that the IDF had a drone over Qana at the time it was firing artillery at the United Nations compound indicates that it was using the drone to determine where to fire, and it was able to see where each shell fell.

8. Additional evidence that the shelling was deliberate is that, according to UNIFIL officials, the IDF was repeatedly informed by telephone that it was shelling civilians. UNIFIL officials told the press that only one or two minutes into the barrage, they contacted Israel and informed it that its forces were shelling their base. For at least 11 to 12 minutes after the initial UNIFIL contact was made, the IDF continued to fire artillery at the base despite continued frantic requests by UNIFIL to cease fire.

9. The report by Major-General van Kappen confirms that the orders to fire came from Israeli officers of some level of seniority. Under intense political pressure from Israel and the United States, the United Nations dropped the investigation and never revealed to the public the underlying evidence and findings upon which the van Kappen report was based. No final report on the Qana massacre was ever published.

10. The Qana massacre is only one of a multitude of incidents constituting persistent and gross violations of the human rights of Lebanese civilians perpetrated by Israel. It is also one instance where the United Nations possesses or controls the evidence necessary to establish Israel's responsibility for these violations.

11. A compelling reason for the United Nations to reopen the investigation of the Qana massacre is that it has in its possession or control key evidence surrounding the massacre - its very forces in fact conducted the principal investigation in the immediate aftermath. Only the

United Nations is privy to that evidence. Moreover, the massacre occurred on a United Nations base and United Nations troops and personnel were fired on. And, as the evidence establishes, those United Nations troops were fired on intentionally.

12. Israel must be found responsible for its violations of international law and its human rights abuses of Lebanese civilians. These violations include violations of the guarantees of the right to life under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and other instruments, the protection of civilians from attack guaranteed under humanitarian law including the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto; the prohibition against torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other instruments, and the prohibition against genocide under the Convention on the Prevention and Punishment of the Crime of Genocide.

13. For legal and moral reasons, the United Nations must act in this matter on behalf of its own soldiers, and on behalf of the Lebanese civilians who were murdered while in the custody and under the protection of UNIFIL soldiers, on territory clearly demarcated as a United Nations base. The effectiveness and, indeed, relevance of the United Nations and its human rights agencies will be measured not by how eloquently it articulates its principles - but rather by how it puts them into practice.

Our recommendations to the Commission on Human Rights

14. We request that the Commission appoint a special rapporteur to conduct a thorough investigation into the Qana massacre, and into other gross violations of human rights and international law by Israel in Lebanon including, inter alia, the attack on the UNIFIL compound in Mazdal Zoun a few days prior to the Qana massacre; the deliberate targeting of civilian homes, vehicles and ambulances, including an incident in Mansuri, Lebanon, in which an Israeli helicopter gunship attacked an ambulance, killing two women and four children; and the forced evacuation of hundreds of thousands of civilians from their homes in south Lebanon.

15. We request that the Commission issue a full and complete report of Israel's legal responsibility for the above-mentioned abuses as well as those that are ongoing, and determine appropriate modes of reparations, as well as specific measures to ensure against further violations of international law and human rights by Israel in Lebanon.